

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

FANCISCO VILLA MERAZ,
Defendant.

NO: CR-11-6023-RMP

ORDER DENYING MOTION AS
SUCCESSIVE AND ADDRESSING
OTHER FILINGS

This matter comes before the Court in response to three filings by Francisco Villa Meraz. ECF Nos. 128, 129, 130. The Court has reviewed all three, the Court's prior orders, the Judgment, all other relevant filings, and is fully informed.

On May 25, 2011, Francisco Villa Meraz pleaded guilty to conspiring to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine and five kilograms or more of a mixture or substance containing cocaine. ECF Nos. 50, 52, 55. Mr. Villa Meraz was sentenced to 70 months incarceration.

ORDER DENYING MOTION AS SUCCESSIVE AND ADDRESSING OTHER
FILINGS ~ 1

1 On August 17, 2012, the Court received a motion titled “Motion to Vacate,
2 Set Aside or Correct Sentence by A Person in Federal Custody 28 U.S.C. § 2255.”
3 ECF No. 122. In that motion, Mr. Villa Meraz challenged his sentence on the
4 grounds that his due process rights and right to effective assistance of counsel were
5 violated because his plea agreement failed to contain sufficient factual support to
6 establish his guilt. ECF No. 122. The Court rejected Mr. Villa Meraz’s argument
7 and denied his motion. ECF No. 125.

8 On June 21, 2013, the Court received three documents from Mr. Villa
9 Meraz. In the first document, Mr. Villa Meraz, purportedly invoking the Court’s
10 admiralty jurisdiction, demanded certain documentary productions by the
11 Government. ECF No. 128. Amid the diverse references contained in the
12 document, including topics such as corporate law, the civil rules, and multiple
13 references to the State of Washington, the Court could find no basis for ordering
14 discovery in this case. As it is unclear that ECF No. 128 is even intended to be a
15 motion directed to this Court, the Court will simply note that ECF No. 128 appears
16 to raise no issues requiring relief in this Court, and will treat the pleading as notice
17 of Mr. Villa Meraz’s concerns.

18 The second document received from Mr. Villa Meraz is entitled
19 “Administrative Notice and Demand for Identification and Credentials.” ECF No.
20 129. In this notice, Mr. Villa Meraz names employees of the Department of Justice

1 and this Court and demands that those employees provide him with certain
2 documents evidencing their authority. ECF No. 129. Mr. Villa Meraz makes no
3 argument or demand for this Court to order disclosure of certain documents.
4 Again, therefore, the Court will treat the document as a notice not requiring court
5 action.

6 The final document filed by Mr. Villa Meraz is titled as a “Motion to Depart
7 Downward.” ECF No. 130. The document contains myriad reference to the
8 United States Sentencing Guidelines and cases construing those guidelines. The
9 ultimate aim of Mr. Villa Meraz’s filing appears to be to seek a reduction in his
10 sentence. As Mr. Villa Meraz seeks a “correction” of his sentence, the Court will
11 treat the document as a motion under 28 U.S.C. § 2255.

12 Successive petitions under § 2255 must be certified by a panel of the
13 relevant court of appeals to contain (1) “newly discovered evidence that, if proven
14 and viewed in light of the evidence as a whole, would be sufficient to establish by
15 clear and convincing evidence that no reasonable factfinder would have found the
16 movant guilty of the offense” or (2) “a new rule of constitutional law, made
17 retroactive to cases on collateral review by the Supreme Court, that was previously
18 unavailable.” 28 U.S.C. § 2255(h). The Court is aware of no such certification.
19 Accordingly, the Court is without jurisdiction to entertain Mr. Villa Meraz’s
20

1 motion. *United States v. Washington*, 653 F.3d 1057, 1065 (9th Cir. 2011).

2 Therefore, the motion is denied.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. The Defendant's Motion, **ECF No. 130**, is **DENIED**.

5 **IT IS SO ORDERED.**

6 The District Court Clerk is hereby directed to enter this Order and to provide
7 copies to counsel and to Mr. Villa Meraz.

8 **DATED** this 15th day of August 2013.

9
10 *s/ Rosanna Malouf Peterson*

11 ROSANNA MALOUF PETERSON
12 Chief United States District Court Judge
13
14
15
16
17
18
19
20